

April 28, 2005

Robert Holmes
CIWMB
1001 I Street, MS #15
P.O. Box 4025
Sacramento, California 95812-4025

Dear Mr. Holmes,

Subject: **AB 1497 Implementation Issues**

Thank you for the opportunity to comment on the issues intended to be addressed as the new statutes under AB 1497 are implemented into regulations. The following comments were expressed during the workshop in Diamond Bar on April 7, 2005. They are also provided here for your use:

1. Issue #2. Please provide a more appropriate term for "public hearing" in the new regulations. It is suggested that the term "public information meeting" be defined as the hearing required pursuant to AB 1497, in order to minimize the expectations otherwise inferred, such as the presence of a decision-making body that has discretion over the project being discussed.
2. Issue #2. An additional LEA public hearing for new facilities will not be necessary, because the public will be provided ample opportunities for feedback, as the related CEQA document is processed. Therefore, it is suggested that the requirement for an LEA hearing be limited as the statute was written, to apply only to permit revisions.
3. Issue #3. AB 1220 abolished the use of the solid waste facility permit as an umbrella permit in favor of permit streamlining. It is not the role of the LEA to ensure compliance with the local land use permit prior to processing the solid waste facility permit (SWFP), or even to review the land use permit. The land use permit is processed by a separate agency whose authority is independent of the LEA. However, should CEQA review be required, consistency of the CEQA document with the SWFP would be evaluated by the LEA. Such review may provide an indirect connection, but would not give the LEA authority to evaluate the land use permit.

4. Issue #5. Surprise random inspections should be defined as such at the local level. The EPP would be the most effective means to define random and unannounced inspections. In this manner, the surprise and random nature of inspections can easily be evaluated by the CIWMB. It would be difficult and unnecessary to write a statewide definition.

The remaining issues are found to be very helpful and appropriate as these new statutes are implemented into regulations. Please do not hesitate to call for clarification on any of these comments at (805) 681-4942.

Sincerely,

Lisa Sloan
Senior Environmental Health Specialist
Santa Barbara County Local Enforcement Agency

Cc: Bill Prinz, City of San Diego
Patty Henshaw, Orange County